G. R. S. IX-5]

Previous references.

CB. 237-19 Sls 1+2.

File No. 237-19

Serial Nos. 3-6

1920-21

(C.B.)

Later references.

CB 202-19 sls 15-16.
CB 135-21-1+2 (Confdl)
CB 92-22-102
CB 92-22-3
CB 3-23-8+16
CB 179-22 8 to 11
CB 229-20-1+2

GENERAL AND REVENUE SECRETARIAT.

chs 7E-55-52-1 (cc-4-52-53)

Serial Nos. 3, 4, 5, 6.

Part B for October 1920.

SUBJECT.

The cases of Proby. Asst. Comrs. appointed in 1918 who have not passed all the tests within the prescribed time

---

To,

The Rev. Comr., The Comptroller
471-2/CB. 237-19-5 of 2/10/20

Extends the period of probation for 1 year in ———.

To, The Comptroller. 473/CB 273-19-6 of 2/11

Informs that Mr. B.S. Raghavendra Rao's request for exemption in Civil Procedure cannot be Sanctioned.

(For Disposal at a Meeting)

No. C. 150.

.....19.20.21

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xii of the Schdeule).

The case of Probationary Assistant Commissioners appointed in 1918 who have not passed all the tests within the prescribed time.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram
29/8

Chief Secretary to Government.

..... 26th August. ...19...20.

Extraordinary Member of Council.

First Member of Council.

1337 15 326 **Second Member of Council.** SE 8n
26 8.20.

Rees
30.8.20

1559 **Third Member of Council.**
1.9.20.

Wks.
31/8.

1377

G. R. S. III—1] 1920-21

GENERAL AND REVENUE SECRETARIAT.

(CB.)

NOTES.

273-19
File No. ~~284-19~~

FILE HEADING.

The case of Probationers appointed in 1918 who have not passed all the tests in the chances given to them.

From

The Comptroller, Mysore Govt

No. 1943/B Dated 21.6.1920 Received 23.6.1920

Diary No.	1327.	Enclos. 2	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Fy. for orders a representation of M. B.S. Raghavendra Rao stating with reference to his failure in Civil Pt II as he did not score the minimum in the Civil Procedure that Probationers who are Madras B.L's in the curriculum of which Law of practice & procedure is not included are not required by rules to pass in practice & procedure prior to confirmation & requesting that as he has pass in Crl. Procedure & studied Civil Procedure he is further qualified than them & that he may not be penalised by his confirmation being deferred on a/c of failure above referred to.

NOTES AND ORDERS.

An interview petn on the same subject presented to the Dewan is also put up-

1) The probationers who have completed the probationary period of 2 years & who have failed to pass in some of the tests in the chances allowed to them are noted below:-

(1) M. B.S. Raghavendra Rao (Has yet to pass in C II)

(2) " V. Vedavyasacharya (" in C II & Ac Hd)

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat. | CB. File No. 284 of 1919.

Serial No.

(3) Mr. G. Sundara Rao (Has yet to pass in C II)

(4) " T. Ramiah (" —do— ")

(5) " C. M. Chinnappa (Has yet to pass C I & II).

2.- Under proviso (ii) of para VIII of the Civil Service Ac Hr rules a further 1 year's grace may be given to the probationers for completing the tests. As a second examination will be held this year (probably in Dec.) the period of 1 year may prove to be sufficient.

3.- Re Mr. Raghavendra Rao's prayer for being exempted from passing in Civil Procedure, Messrs Vedavyasa Acharya & Sundara Rao have also failed in that paper, & Mr. Ramiah in Mortgages.

4.- Rule 6 of the Exn Rules prescribes (for Hon'ble Secretaries) the passing of Rev Hr, Crl Hr, Civil Pts I & II, Regn & Ac Hr & in the case of B.L's & those who have passed Exns prescribed for I grade Pleaders in Mysore exemption from passing Civil Part II & Crimal is laid down in rule 7 (a) & (b) thereof.

Subt for orders.

14/8/1920

+5 A point has been raised by Mr Raghavendra Rao in claiming retention of rank on the ground that failure to pass Civil Part II ought not to disqualify him so as to lose his relative rank, for the reason that the graduates in law are not required to pass the Procedure Exam. & Law Compilation. There

NOTE—Contn. sheet.

Serial No.

is no doubt some force in this contention but it may be argued by the law graduates per contra that they are required to pass in a larger number of law subjects than the M.C.S men and that the Standard of Examination in the two cases is quite different. The consideration of these subtle points raises wide issues, and would involve a radical change in the rules of Examination, Confirmation, relative rank on Confirmation Etc, which it would be useless to take up and discuss here. There is no doubt that the case of Mr Rajaramda Rao is a hard one, for owing to causes over which he had practically no control, he was not in a position to avail himself of 2 out of the 3 chances allowed to a probationer. In the first year, he lost his chance owing to his detention in the Edn. Deptt. till march 1918. In the second year he fell ill. In the third year he got through all of the Examns, Except one paper in Civil Part II. In the Single chance that was left him he has done so well, and it is for consideration whether he should not have an Extra chance as a special case in view of his having been kept on in the Edn. Dept in the 18th year of his appt & the prejudice of his

I do not think they can be seriously entertained. He could have read for the exam: in his off hours.

NOTE—Contn. sheet

Serial No.

is no doubt some force in this contention but it may be argued by the law graduates per contra that they are required to pass in a larger number of law subjects than the M.C.S men and that the standard of Examination in the two cases is quite different. The consideration of these subtle points raises wide issues and would involve a radical change in the rules of Examination, Confirmation, relative rank on Confirmation etc, which it would be unwise to take up and discuss here. There is no doubt that the case of Mr Rajkumar Das is a hard one, for owing to causes over which he had practically no control, he was not in a position to avail himself of 2 out of the 3 chances allowed to a probationer. In the first year, he lost his chance owing to his detention in the Edn. Deptt. till march 1918. In the second year he fell ill. In the third year he lost the ~~sole~~ of the Examns, Except one ~~part~~ paper in Civil Part II. In the Single chance that was left him he has done so well, and it is for consideration whether he should not have an extra chance as a special case in view of his having been kept on in the Edn. Dept in the 18th year of his appt & the prejudice of his

I do not think they can be seriously entertained. He can have read for the exam: in his off hours.

G. R. S. III-2]

General and Revenue Secretariat. | C.P. File No. 284 of 1919.

Serial No.

preparing for the Exam. ~~don't~~ ~~to~~ ~~the~~ ~~matriculation~~ ~~exam~~ The Concession could be accorded & merit promotion Consideration in view of the fact that the Govt. has recently passed orders whereby Govt Officers who are punished by stoppage of promotion for a specific period are permitted to count the period in question also for the next increment. In the accts Dept. he has to pass 2 extra examinations. For orders.

MK 4/8/20

Chief Secy)

6- Mr Raghavendrarao's is a very hard case & from personal point of view he has my fullest sympathy. A young man of very brilliant parts it is a great pity indeed that his prospects should receive a setback at the beginning of his career owing to his failure in a single subject in his examinations. It was very unlucky indeed that he lost a year on account of serious illness.

7- I however find it very difficult to see any way of helping him without giving a cause of complaint to his more lucky fellow probationers. The grounds which he has put forward

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

CB. File No. 284 of 1919.

Serial No.

do not seem to be very convincing.

8 It is no doubt a defect in the rules that Law graduates are not required to pass in Civil procedure & they may be remedied in regard to the future, but I do not think it can be accepted as sufficient ground for exempting other ~~the~~ probationers from passing in Civil Procedure as they are required to do under the rules.

9 In the case of the five probationers who have not completed their tests, their probation ~~will be~~ has to be extended for a year ~~as~~ & this may be done. If they pass in the examination to be held in Oct-Nov next they may be confirmed then & they may be allowed time till the examn in May next.

CBK 21/8/20

Dewan)

10 May be considered alternatively the Council 4 13.8

11 Circulate

CBK 23/8

DEWAN'S OFFICE
Recd. on AUG 21 1920
Reg. No. 2019

(D.O.C. No. 69)

CB 23/8

NOTE—Contn. sheet.

C. 150

6

Extract from the Proceedings of the 541st *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 2nd September 1920.

8. Subject. - Clause v of the schedule.

The case of Probationary Assistant Commissioners appointed in 1918 who have not passed all the tests within the prescribed time.

Opinion of the Council.

The probationers may be given another year of grace.

As Mr. B.S.Raghavendra Rao was prevented from joining as Probationary Assistant Commissioner in 1918 as he could not be relieved in the Education Department, he may be given the concession of not forfeiting his place if he passes the Civil II test at the next examination.

(Signed) A. R. Banerji,
Offg. Dewan of Mysore.

"EXTRACT."

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-18

G. R. S. 12]

C. 150

General and Revenue Secretariat. | File No. | of 190

7

Serial No. 12. D. S. N. Subs

24/9/20

13/ Dewan

13.

4/9/20

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Submitted to His Highness.

The following Probationary Assistant Commissioners who were appointed in 1918 have completed the probationary period of two years but have failed to pass in some of the tests in the chances allowed to them:-

(1) Mr. B.S.Raghavendra Rao (has yet to pass in Civil, Part II),

(2) " V.Vedavyasacharya (has yet to pass in Civil, Part II, and Accounts Higher),

(3) " G.Sundara Rao (has yet to pass in Civil, Part II),

(4) " T.Remiah (has yet to pass in Civil, Part II), and

(5) " C.M.Chinnappa (has yet to pass in Civil, Parts I & II, and Accounts Higher).

2. Under proviso (ii) of paragraph VIII of the Civil Service Rules, a further year's grace has to be given to the above officers for completing the tests. In this connection, Mr. B.S.Raghavendra Rao has made certain representations in regard to his failure to pass in Civil, Part II. Mr.Raghavendra Rao states that such of the Probationary Assistant Commissioners as are Law Graduates of the Madras University are not required to pass in "Practice and Procedure", even though the Codes of Criminal and Civil Procedure are not studied for the B.L.Examination and that such Law Graduates have to pass an examination in those papers, should they desire to get enrolled as Advocates of the Chief Court. He also refers to the fact that he was not relieved in the Education Department till 16th March 1918 and that he fell seriously ill for a period of three months in 1919.

3. It is no doubt a fact that Law Graduates are not required to pass in Civil Procedure but this cannot be accepted as sufficient ground for exempting other Probationers from passing

in

in Civil Procedure as they are required to do under the rules. The question of prescribing a test in Civil and Criminal Procedure for Law Graduates will be separately considered.

4. The question was considered at a meeting of Council and it was resolved as follows:-

Page 6 of office Notes

"The Probationers may be given another year of grace.

"As Mr.B.S.Raghavendra Rao was prevented from joining as Probationary Assistant Commissioner in 1918 as he could not be relieved in the Education Department, he may be given the concession of not forfeiting his place if he passes the Civil, Part II test at the next examination, as a very special case."

5. The recommendations of the Council may be graciously approved.

6.9.20

C. 150.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to extend the time allowed for passing the prescribed tests in the case of certain Probationary Assistant Commissioners appointed in 1918.

381

Returned with Do letter No 81 dated 13/15 . 9. 1920.

Order.

G. R. S. III-21

C. 150

The Palace,
Bangalore.
13th September 1920.
15

My dear Sir,

I am directed to return the accompanying file No. 350 dated 6th September 1920. His Highness approves of giving all the five Probationers referred to another year of grace, but he is strongly opposed to granting the special concession recommended on behalf of Mr. B.S. Raghavendra Rao. However great the hardship may be in any particular case it would be a grave mistake to relax the general rule which governs the confirmation of Probationers in the service. To make any individual concession would lead to endless heart-burning and personal appeals for special treatment. Rule on the subject should in His Highness's opinion be strictly enforced.

Yours sincerely,
R. Campbell

Sirdar M. Kantaraj Urs, C.S.I.,
Bangalore.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 237 of 1919.

Serial No.	
5.	To, No. 471-2 dated 2. 10. 20. 17. The Rev. Comrs. in Mysore The Comptroller. Extends the probationary period of certain Asst. Comrs appointed in 1918.
6.	To, No. 473 dated 2. 10. 20. 18. The Comptroller, Informs that Mr. B.S. Raghavendra Rao's request for exemption in Civil Procedure, cannot be granted.

NOTE—Contn. sheet.

~~282-19~~
~~CB 237 19 3~~
CB 237-19-3.

CB. 1327 13

Please address all future communications to the Comptroller to the Govt. of H. H. the Maharaja of Mysore.
In reply to this Comm. please refer to
No. 1943 C/-2

237
34237

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Dated, Bangalore, the 21st June 1920 ~~1920.~~

FROM

T. Satyaraj Chetty, Esq., B.A.,
~~M. N. KRISHNA RAO, ESQ., B.A.,~~
Offg. Comptroller to the Government of His Highness the Maharaja of Mysore.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief *Secretary to the Government of Mysore,*
Bangalore. ~~Vidhana Soudha~~

SIR,

I have the honor to forward herewith for the orders of Government a representation from Mr. Raghavendra Rao, Probationery Assistant Commissioner under training in this office.

I have the honor to be,

Sir,

Your most obedient servant,

T. Satyaraj Chetty
Comptroller.

MSR/21-6.

2/6

To

The Chief Secretary to the

Government of Mysore, Bangalore.

Sir,

Adverting to your letter No.C.B.1814/C.B.237-19-2 dated - 22nd May 1920 passing orders on my representation (Enclosure 1) I beg to be allowed to submit a further representation to Government for their favourable consideration and orders.

In the examinations held last month, I secured a pass in Civil Part I, Criminal (Higher) and Accounts (Higher), In Civil Part II, I learn that I have failed to secure the minimum only in the paper on Civil Procedure.

I have thus but for Civil Procedure, fully qualified myself for confirmation by passing all the required tests.

While submitting to Government that my failure in Civil Procedure comes to me as a very great surprise I beg to state - that for such of the Probationery Assistant Commissioners as are Law Graduates of the Madras University, success in the examination in "Practice and Procedure" is not insisted upon even though the codes of Criminal and Civil Procedure are not at all studied for the B. L. Examination, and such Law Graduates have to pass an examination in these papers should they desire to get enrolled as Advocates of the Chief Court.

Thus I am further qualified than these in having studied - these subjects and passed an examination in Criminal Procedure, While they are confirmed even without any study of these

procedur

procedure codes, I beg that Government may not penalise me by deferring my confirmation for having failed— I do not know how—to secure the minimum in a paper in which they have never been examined.

I request therefore that Government will take the above facts into consideration and give me the same concession as that granted to the Madras Law Graduates and confirm me as an Assistant Commissioner along with the other officers of my batch.

I have the honor to remain,

S i r,

Your most obedient servant,

B. Raghavendra Rao.

Prob. Asst Commr

B a n g a l o r e,
21st J u n e 1920

(Enclosure 1)

To

The Chief Secretary to the
Government of His Highness
the Maharaja of Mysore, Bangalore.

Sir,

I beg to submit my representation regarding my confirmation for the favourable consideration and orders of Government.

I was appointed Probationery Assistant Commissioner on 18th January 1918 after passing the Mysore Civil Service Examination held in 1917. At the time of appointment I was in the Education Department and as no suitable reliever could be found I was kept on there till 16th March 1918 in spite of my requests that my continuance in the Education Department would not allow me to receive the training required to enable me to appear for departmental examinations, success in which is a necessary condition for confirmation and retention of my rank. I was therefore able to report myself for taluq training only on 2nd April ~~1920~~ 1918. I had then barely one month for study and preparation for the ensuing departmental examination. Last year I had a very serious attack of typhoid which kept me in bed from 3rd March ~~1920~~ 1919 till about the middle of June. I could not therefore sit even for that examination. It was late in the year before I was fit for strenuous work.

Thus of the three chances allowed for us for passing the departmental tests I could not avail myself of the first since I was kept on in the Education Department and of the second by causes beyond my control.

I have since been transferred to the Comptroller's Office

and

and am receiving training in Audit and Account procedure. I - have now to sit.for four tests this year the stiffest of those prescribed and if by mischance I am to fail in even one of them it is likely that I will lose my place in the Civil List and be superseded by about 16 people who are now my juniors in the list. All my future prospects will thus be barred for no fault of mine. To avoid any possible mischance of the kind indicated above, I beg that Government will be pleased to give me two more chances so as to place me on an equal footing with my colleagues appointe or nominated with me and to allow me to retain my place till I have had these two chances. I beg to assure Government in this connection that I shall put forth my very best efforts to - secure a pass in all the subjects, but I submit this representation only to meet a contingency which, however remote, may, I apprehend, - mar all my prospects of confirmation and promotion.

I beg to remain,

Sir,

Your most obedient servant,

B. Raghavendra Rao

Port Asst Comm

Bangalore,

May 1920

CB 273-19-4

18.

Memo of Representation for confirmation of B. S. Raghavendra Rao, Probationery Assistant Commissioner.

Appointed Probationery Assistant Commissioner 18th January 1918. Not relieved in the Education Department where he was serving before - till 16th March.

Posted to District Office on 1st April 1918. - No time for first examinations.

Fell seriously ill with typhoid and was in bed from 3rd March to 1st June 1919. So could not sit for the 2nd examination.

Transferred to Accounts Department in January 1920. Thus I had only one chance against three which others have.

Sat for four examinations this year. Civil I, Civil II, Accounts Higher and Criminal Higher.

Passed in all the prescribed tests except in Civil Procedure (Part of Civil II.)

B. L.'s are confirmed without having passed in "Practice and Procedure". They should pass in this if they are to be allowed to practise as Advocates.

Requests same concession and confirmation.

Otherwise 1 in Schedule A, 5 in Schedule B, and about 10 provisionally permanent officers will supersede me. This will mar my future prospects!

2nd June 1920.

QUESTION OF GIVING SPECIAL TREATMENT TO MR. B. S. RAGHAVENDRA RAO, PROBATIONARY ASSISTANT COMMISSIONER.

---

1. The two main grounds relied upon by Mr. Raghavendra Rao for special treatment are :-

1st) that he was detained in the Education Department for about a couple of months after his appointment as a Probationary Assistant Commissioner

& 2nd) that he has failed only in the Civil Procedure Code, a subject in which Law Graduates are not expected to pass for purposes of confirmation as Assistant Commissioners.

2. The first ground is not tenable as the Government, after receipt of a representation from certain Probationary Assistant Commissioners appointed in January 1918, recognised the fact that the interval between the date of their appointment and the date of the first examination held thereafter was too short to allow of adequate preparation on their part and amended the Civil Service Rules so as to allow them an extra chance after the expiry of the period of probation to qualify themselves by passing the necessary examinations. (vide G.O. No.1666-1709/C.B.13-18-75 dated 25th June 1919).

3. On a similar representation made by Mr. Raghavendra Rao once before, it was ordered in G.P. No.1814/C.B. 237-19-2 dated 22nd May 1920 that his request about his present rank being continued to him in the event of his failure to fully qualify himself this year could not be considered favourably. This order was passed evidently after a full consideration of all the facts of the case and there is no reason to reverse it so soon after it was passed.

4. It is not strictly true that he failed in only one subject viz Civel Procedure Code. It appears he had failed in Accounts Examination also but was made to pass being given grace marks.

5. If special treatment is accorded to him, there would be no reason why three more officers who have failed in a single subject like himself should not be accorded similar treatment. If given a chance, they are sure to put forward special circumstances which came in the way of their fully qualifying themselves.

6. In the case of another Probationary Assistant Commissioner of the same batch as Mr. Raghavendra Rao, a request for exemption from probation on the score of his having qualified himself fully at the time of nomination was not viewed with favour by Government in spite of the fact that there was a precedent to follow. There is no reason why the converse case, namely, that of allowing a failed man to go over several passed men should be viewed with favour by Government although there is no precedent in support of such a case.

7. The second ground urged by Mr. Raghavendra Rao has of course no weight as he is not a Law Graduate and cannot claim the privileges of Law Graduates so long as the Civil Service Rules as they stand at present do not insist upon Law Graduates passing in Civil Procedure Code before their confirmation.

G.R.S. VI–71]

2 Drafts

SUBJECT:

Diary No. of letter replied to.....

Section CB

File No. 237/19.

Serial No. 5

General and Revenue Secretariat

Proceedings of the Government of His Highness the Maharaja of Mysore.

, *the* *191* .

Read—

Date of issue.....2nd October 1920.

Signed by.....

May this be

i Printed ?

treated as a standing order ?

published in the Gazette, English Part ?

translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

* overleaf

Order ~~Thereon~~—No. 471-2nd Dy 2-10-20

CB 237-19-5

The marginally noted Probationary Asst Commissioners have completed the

probationary period of two years to have failed to pass in some of the local tests (as required) in proviso i of para IIII of G.O. No. 3528-75 (Gpu. 232-12-1) dt 6th May 1913. as amended by G.O No. 1666-1709 (CB. 13-18-7) dt 25th June 1919.

Govt are pleased to extend their probationary period by one year of grace for completing (tests) the local tests which they have yet to pass to become eligible for confirmation.

(3D) V/o.

Ch: Secy to Govt

To

The Revenue in Mysore for favour of intimating the Probationers working in the Rev Dept

Comptroller, Mysore Govt for favour of intimating the Probationers attached to his office.

1 Mr. B.S. Raghavendra Rao, attached to the Comptroller's office
2 " V. Vedavyasacharya attached to the Tumkur Dt
3 " G. Sundara Rao " Shimoga Dt
4 " T. Ramiah " Hassan Dt
5 " Cm. Chinnappa " Kolar Dt

List of enclosures.

Copied by

Examined by

HM/ hm/ 29/9/20

WD 1744—GPB -30,000 -17-3 19

G. R. S. 26]

2 Drafts

File No. 237/19
Serial No. 6

Diary No. of letter replied to .....

No. 473

General ~~and Revenue~~ Secretariat
( )
, *the* 191 .

To

The Comptroller,
Mysore Govt

Date of issue 2nd Oct 1920

Signed by Mr. C. S. Parthasarathy Iyer.

Sir,

With reference to your letter No. 1943 dt 21.6.920 forwarding the representation of Mr. B. S. Raghavendra Rao requesting for reasons given that he may be exempted from passing in Civil Procedure Code of Civil Part II & Confirmed along with others who have earned confirmation, I am directed to invite reference to My letter No. 1814 dt 22.5.1920 on the subject and to state further that the general rule which governs the confirmation of Probationary Asst Commrs

C.B. 237-9-2

over.

SUBJECT.

cannot be relaxed and that Govt regret that Mr. Raghavendra Rao's request cannot be granted.

J Hacker

C

Ch: Secy.

29/9/20

List of enclosures

Copied by

Examined by

GPB—20,000—10-10-4